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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,956	11/30/2000	Benjamin N. Truelove	44431/233650	1110

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EXAMINER

TRAN, QUOC A

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/726,956

Applicant(s)

TRUELOVE ET AL.

Examiner

Quoc A. Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to application filed **11/30/2000**.
2. Claims 1-22 are currently pending in this application. Claims 1, 13 and 21 are independent claims.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

**Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.**

4. **Claims 1, 3-9, 11, 21, and 22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

**As to independent claims 1 and 21, the claimed invention is not tied to the technological art environment or machine, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. The claimed invention is not embodied on a computer readable medium, nor are the "executable instructions" explicitly recited as being carried out, or functionally tied in, to a computer environment. Therefore, the claims read on steps that could be carried out mentally and/or using paper and pencil.**

**As to dependent claims 3-9, 11 and 22** also are not tied to the technological art environment or machine, and are rejected under the same rationale.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

**(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.**

6. **Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated over Russo Borland, "Running Microsoft Word 97", Published by Microsoft Press, Redmond, Washington U.S.A. 1997 (hereinafter Borland).**

In regard to independent claim 1, Borland teaches, selecting the font name, style, size, and colors, see Borland Chapter 2 page 42 Text Look section, first paragraph; compare with claim 1 *"receiving user-selections of a color set and a font set"*,

Borland also teaches, Adding and Removing Font Styles, see Borland Chapter 2 pages 42-44, Adding and Removing Font Styles section, FIG. 2-5; and also teaches, Adding Color to Your Words section, pages 46-47, Adding Color to Your Words, compare with claim 1 *"determining a format set based on the user selections of the color set and the font set, the format set comprising a plurality of formats, each format comprising a format font name, a format font color and a format font size"*,

Borland also teaches, Shopping in the Style Boutique: The Format Style Command, see Borland Chapter 2 pages 60-61, Shopping in the Style Boutique: The Format Style Command section, compare with claim 1 *"for each discrete portion of text in the document: analyzing the discrete portion of text to determine a text font name, a text font color and a text font size, for each format in the format set: if the format font name matches the text font name, adding a first determined number to a match quality value associated with the format, if the format font color matches the text font color, adding a second determined number to the match quality value"*,

Borland also teaches, Flexing the Fonts, see Borland Chapter 10 pages 447-450, Flexing the Fonts section, compare with claim 1 *"for each discrete portion of text in the document: analyzing the discrete portion of text to determine a text font name, a text font color and a text font size, for each format in the format set: if the format font name matches the text font name, adding a first determined number to a match quality value associated with the format, if the format font color matches the text font color, adding a second determined number to the match quality value"*,

Borland also teaches, AutoFormat options, see Borland Chapter 2 page 41-42, AutoFormat options section, compare with claim 1 *"reformatting the discrete portion of text such that the format having the greatest associated match quality value is applied to the discrete portion of text"*.

**In regard to dependent claim 2**, is directed to a computer readable medium for performing the method of claim 1, and is similarly rejected under the same rationale.

**In regard to dependent claim 3**, Borland teaches, building a new template based on an existing template. The new template inherits the setup of the original template. You then change the template to suit your document needs, see Borland Chapter 2 pages 20-21 Fabricating Your Own Templates section; compare with claim 3 *"if other formatting properties of the text have been analyzed and another property matches a corresponding property of the text, adding a determined number to the match quality value"*.

**In regard to dependent claim 4**, Borland teaches, Fill button fills your shapes with one of the solid colors available on the Fill button menu, in Borland Chapter 10 pages 491-496, The Fill Color Button & Checking Out More Colors section; compare with claim 4 *"wherein the color set comprises a plurality of colors defining a color scheme"*.

**In regard to dependent claim 5**, Borland teaches, Word comes with a number of wizards, which display panels that ask you questions. Your job is to answer the questions. The wizard then creates an appropriate document based on your answers. After the wizard creates the document, you simply fill in the necessary text and art to complete the document. You'll find discussions of the wizards in Chapters 3, 6, 7, and 17, see Borland Chapter 2 page 19, and also teaches, If you feel like mixing your own special color, click the Custom tab in the Colors dialog box, see Borland Chapter 10 pages 492-493, Checking Out More Colors section; compare with claim 5 *"wherein the colors are pre-selected by a trained designer"*.

**In regard to dependent claim 6**, Borland teaches, selecting the font name, style, size, and colors, see Borland Chapter 2 page 42 Text Look section, first paragraph, see Borland Chapter 2 Text Looks section, FIG. 2-5 pages 42-43; compare with claim 6 *"wherein the font set comprises a plurality of fonts defining a font theme, each font having a font name and a font size"*.

**In regard to dependent claim 7**, Borland teaches, Word comes with a number of wizards, which display panels that ask you questions. Your job is to answer the questions. The wizard then creates an appropriate document based on your answers. After the wizard creates the document, you simply fill in the necessary text and art to complete the document. You'll find discussions of the wizards in Chapters 3, 6, 7, and 17, see Borland Chapter 2 page 19, and also teaches, in Borland Chapter 2 pages 491-496, Text Looks section FIG. 2-5; compare with claim 7 *"wherein the fonts are predefined by a trained designer based on their aesthetic appeal in relation to each other"*.

**In regard to dependent claim 8**, incorporate substantially similar subject matter as cited in claims 7 and 8 above, and is similarly rejected along the same rationale.

**In regard to dependent claim 9**, Borland teaches, ... of words—selecting the font name, style, size, and colors; ... use the mouse, the keyboard, or the Format Font command to improve the looks of characters.... The Font tab of the Font dialog box, shown in Figure 2-5, see Borland Chapter 2 pages 42-43 Text Looks section; compare with claim 9 *"wherein the user selections of the color set and the font set are provided through a single integrated user interface"*.

**In regard to dependent claim 10**, is directed to a computer readable medium for performing the method of claim 9, and is similarly rejected under the same rationale.

**In regard to dependent claim 11**, Borland teaches, You can open the Font dialog box by clicking the right mouse button on the selection and then choosing the Font command from the shortcut menu, FIG. 2-5 and below, see Borland Chapter 2 pages 42-43, Text Looks section & Adding and Removing Font Style section, compare with claim 11 *"wherein the user interface comprises a floating window that hovers above the document"*.

**In regard to dependent claim 12**, is directed to a computer readable medium for performing the method of claim 11, and is similarly rejected under the same rationale.

**In regard to Independent claim 13**, is directed to a system for performing the method of claims 1, and 2, and is similarly rejected under the same rationale.

**In regard to dependent claim 14**, is directed to a system for performing the method of claim 13, and is similarly rejected under the same rationale.

**In regard to dependent claim 15**, is directed to a system for performing the method of claim 4, and is similarly rejected under the same rationale.

**In regard to dependent claim 16**, is directed to a system for performing the method of claim 5, and is similarly rejected under the same rationale.

**In regard to dependent claim 17**, is directed to a system for performing the method of claim 6, and is similarly rejected under the same rationale.



**In regard to dependent claim 18**, is directed to a system for performing the method of claim 7, and is similarly rejected under the same rationale.

**In regard to dependent claim 19**, is directed to a system for performing the method of claim 9, and is similarly rejected under the same rationale.

**In regard to dependent claim 20**, is directed to a system for performing the method of claim 11, and is similarly rejected under the same rationale.

**In regard to Independent claim 21**, is directed to a user interface for performing the method of claims 1, 3 and 9, and is similarly rejected under the same rationale.

**In regard to dependent claim 22**, is directed to a user interface for performing the method of claim 21, and is similarly rejected under the same rationale.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nordman U.S. Patent No. 5,864,850 issued-Jan. 26, 1999 filed-Feb. 27, 1997

Teshima U.S. Patent No. 6,687,879 B1 issued-Feb. 3, 2004 filed-Jul. 8, 1999

Cooper et al. U.S. Patent No. 6,377,966 B1 issued-Apr. 23, 2002 filed-Oct. 22, 1997

Ferrel et al. U.S. Patent No. 6,584,480 B1 issued-Jun. 24, 2003 filed-Oct. 30, 2000

Kido U.S. Patent No. 6,675,358 B1 issued-Jan. 6, 2004 filed-Nov. 19, 1999

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is (703) 305-

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8781. The examiner can normally be reached on Monday through Friday from 8:30AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (703) 305-9792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**Quoc A. Tran**  
**Patent Examiner**  
**Technology Center 2176**  
**March 2, 2004**

  
**JOSEPH FEILD**  
**SUPERVISORY PATENT EXAMINER**